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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,241	02/12/2001	Paul Aschauer	951/49356	7321

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WASHINGTON, DC 20044-4300

EXAMINER

DALENCOURT, YVES

ART UNIT	PAPER NUMBER
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2157

10

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/701,241

Applicant(s)

ASCHAUER ET AL.

Examiner

Yves Dalencourt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-8, 12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-8 and 12 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This office action is responsive to amendment filed 02/06/2004.

#### ***Response to Amendment***

The examiner has acknowledged the amended claim 6, the cancellation of claims 9 – 11, 13 – 14, and the submission of new claim 15.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 6 – 8, 12, and 15 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6 – 8, and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenneth E. Flick (US 6140939; hereinafter Flick) in view of William Robert Duvall, Jr. (US 5704008; hereinafter Duvall, Jr.).

Regarding claim 6, Flick teaches a remote control device for motor vehicles with a transmitter (50, figure 6) for a wireless transmitted enabling signal, which is activated only when the user has been recognized as the authorized user (50, figure 6; paragraph bridging col. 4 & col. 5), and with an identification device (82', figure 6), which recognizes this authorization and capable of being assembled in one module along with the transmitter (col. 9, lines 9 – 11), wherein the identification device (82') records the personal and individual characteristics of the user (col. 5, lines 45 – 55), wherein the identification device transmits the recorded information to the vehicle and performs a verification check of the user in the motor vehicle (paragraph bridging col. 8, line 55 through col. 9, line 3).

Flick teaches all the limitations, but fails to specifically teach that following transmission of the information about a previously authorized user, corresponding information about a new user is transmitted, and said new user is then also authorized.

However, Duvall, Jr. teaches, in the same field of endeavor, a method of and apparatus for motor vehicle security assurance employing voice recognition control of vehicle operation, wherein following transmission of the information about a previously authorized user, corresponding information about a new user is transmitted, and said new user is then also authorized (fig. 3; col. 3, lines 15 – 47; col. 4, lines 35 – 49).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Flick's device by transmitting information about a new user to use the motor vehicle after transmitted information about a previously authorized user as evidenced by Duvall, Jr. for the purpose of providing a secure and more flexible approach for readily adding new authorized users to the system.

Regarding claim 7, Flick and Duvall, Jr. teach all the limitations in claim 6, and Flick further teaches a remote control device for motor vehicles, wherein the identification device (82') records a fingerprint sensed by sensor 59 (see figure 6; col. 4, lines 61 – 63; col. 5, lines 8 – 13).

Regarding claim 8, Flick and Duvall, Jr. teach all the limitations in claim 6, and Flick further teaches a remote control device for motor vehicles, wherein the identification device (82') records a speech recognition patterns sensed by sensor 59 (see figure 6; col. 4, lines 61 – 64; the claimed vocal characteristic).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Kenneth E. Flick (US 6140939; hereinafter Flick) in view of William Robert Duvall, Jr. (US 5704008; hereinafter Duvall, Jr.), and further in view of Joseph Gormley (US 5513107; hereinafter Gormley).

Regarding claim 12, Flick and Duvall, Jr. teach all the limitations in claim 6, but fails to specifically teach that the authorization of the new user is restricted.

Gormley teaches, in the same field of endeavor, a method and apparatus for controlling operating subsystems of a motor vehicle, wherein the authorization of the new user (valet) is restricted (col. 2, lines 34 – 42; col. 7, lines 9 – 22).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a remote control device, wherein the authorization of the new user is restricted in Flick and Duvall, Jr.'s device as evidenced by Gormley because Flick in combination with Duvall, Jr. suggest a code reset means for learning a new uniquely coded transmitter as a temporary code and may deleting such temporary code and Gormley further teaches that the authorization of the new user is being restricted for the purpose of permitting safe operation of the vehicle within a parking lot for example, but otherwise substantially restrict performance of the vehicle.

***Allowable Subject Matter***

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: As specifically claimed, the art of record fail to teach that in order for the new user to be authorized, said corresponding information about the new user is transmitted within a predetermined time period following the transmission of the information about the previously authorized user.

**Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6: 30PM.

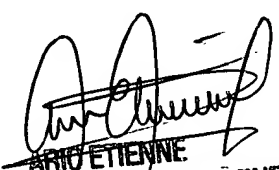
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt

  
April 13, 2004

  
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